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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,036

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Jan Hans Benedictus

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOPKINS, ROBERT A

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,036	<b>Applicant(s)</b> BENEDICTUS ET AL.	
	<b>Examiner</b> Robert A. Hopkins	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Objections***

Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

Art Unit: 1797

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 recites "further comprising a plurality of circumferentially distributed blades", however claim 1 recites means plus function limitations to "causing the airflow to follow a cyclonic flow pattern through the separating chamber and around an axis". Examiner believes the limitations in claim 7 do not further limit the means plus function limitations of claim 1 because the limitations of claim 7 are already a part of the means plus function of claim 1.

Correction is requested..

### ***Claim Rejections - 35 USC § 112***

Claims 5,10,11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "said at least one divider drum". There is a lack of antecedent basis for "said at least one divider drum" in previous claim limitations. Correction is requested.

Claims 10 and 11 recite "wherein the at least one entry portion(129;229) of the outlet (106;206)". There is a lack of antecedent basis for "the at least one entry portion(129;229) of the outlet (106;206)" in previous claim limitations. Correction is requested.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Novak(3655058).

Novak teaches a cyclonic separator for separating particles and/or liquids from an airflow comprising a separating chamber, an inlet for letting a flow of air entraining particles and/or liquids into the separating chamber, an outlet for letting a flow of air from which at least a portion of the entrained particles and/or liquids has been separated, out of the separating chamber, the outlet having at least one entry, means(23) for causing the airflow to follow a cyclonic flow pattern through the separating chamber and around an axis for causing cyclonic separation of at least a portion of the particles and/or liquids from the airflow within the separating chamber, and at least one drum(20) of which at least one interior surface portion extends circumferentially around the axis and bounds the separating chamber(see figure 1), characterized in that the at least one interior surface portion extending circumferentially around the axis is rotatable about the axis. Novak further teaches wherein the inlet and the outlet enter and leave, respectively, the separating chamber coaxially with the axis of rotation of the drum bounding the separating chamber. Novak further teaches wherein the inlet and the outlet enter and leave, respectively, the separating chamber at

Art Unit: 1797

axially opposite ends of the drum bounding the separating chamber. Novak further teaches wherein an exit opening of the inlet and an entry opening of the outlet face in axially opposite directions , and wherein at least one divider drum(19) situated in, and coaxial with, the separating chamber shields the entry opening of the outlet from the exit opening of the inlet. Novak further teaches wherein the at least one divider drum has a circumferential wall with radially extending perforations , of which circumferential wall at least one portion is spaced radially outwardly from the at least one entry portion of the outlet. Novak further teaches wherein the circumferential wall of the divider drum includes an air grid having at least one portion circumferentially extending around the axis. Novak further teaches a plurality of circumferentially distributed blades(23) for imparting tangential velocity to the airflow. Novak further teaches wherein the rotatable drum is adapted to rotate at a velocity about equal to the tangential velocity of the cyclonic airflow in the separating chamber. Novak further teaches a motorized drive structure for driving the rotation of the rotatable drum. Novak further teaches wherein the at least one entry portion of the outlet is arranged spaced from an end of the separating chamber opposite an end where the inlet debouches into the separating chamber and facing in a direction having a radially outward component. Novak further teaches wherein the at least one entry portion of the outlet is provided with a filter. , wherein the filter is rotatable about the axis. Novak further teaches a vacuum cleaner having a motor , a fan coupled to the motor, air guiding conduits and a cyclonic separator having a separating chamber for separating particles and/or liquids from an airflow through the air guiding conduits and the separating chamber, which airflow is

Art Unit: 1797

generated by the motor and the fan, characterized in that the cyclonic separator is a cyclonic separator as claimed in claim 1.

Art Unit: 1797

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rah  
November 6 , 2008

/Robert A Hopkins/  
Primary Examiner, Art Unit 1797